

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

GILBERT RAY SANCHEZ, JR. (1),

Defendant.

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CRIMINAL ACTION NO.
4:09-CR-199(1)-RAS - DDB

**REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Now before the Court is the request for revocation of Defendant's supervised release. After the District Judge referred the matter to this Court for a report and recommendation, the Court conducted a hearing on October 13, 2015, to determine whether Defendant violated his supervised release. Defendant was represented by Denise Benson. The Government was represented by Andy Williams.

On July 9, 2010, Defendant was sentenced by the Honorable United States District Judge Richard A. Schell to twenty-four (24) months of imprisonment concurrent with 380th Judicial District Court Cause No. 380-81856-09, followed by a three (3) year term of supervised release for the offense of Felon in Possession of a Firearm. On April 5, 2012, Defendant completed his period of imprisonment and began service of his term of supervised release.

On October 27, 2014, the U.S. Probation Officer executed a Petition for Warrant or Summons for Offender Under Supervision [Dkt. 38 Sealed]. The Petition asserted that Defendant violated four (4) conditions of supervision, as follows: (i) Defendant shall not commit another federal, state, or local crime; (ii) Defendant shall notify the probation officer at

least ten (10) days prior to any change in residence or employment; (iii) Defendant shall notify the probation officer within seventy-two (72) hours of being arrested or questioned by a law enforcement officer; and (iv) Defendant shall report to the probation officer, and shall submit a truthful and complete written report within the first five (5) days of each month.

The Petition alleges that Defendant committed the following acts: (1) On or about September 4, 2014, Defendant was arrested by the Plano Police Department and charged with committing the offense of Forgery-Money/Securities/Postage or Revenue Stamps, and it is alleged that Defendant used a fraudulent ten dollar bill that he made to purchase iced tea; (2) On October 15, 2014, an unannounced home visit was conducted at 1500 15th Ave, #2, Plano, Texas, which is Defendant's reported home address, and it was discovered the apartment was vacant; (3) Defendant failed to notify the probation officer within seventy-two (72) hours he had been arrested after he was released from jail on October 3, 2014; and (4) Defendant failed to submit a written report for the month of October 2014 [Dkt. 38 Sealed].

Prior to the Government putting on its case, Defendant entered a plea of true to allegation one (1) of the Petition, specifically that Defendant was arrested by the Plano Police Department and charged with committing the offense of Forgery-Money/Securities/Postage or Revenue Stamps. The Government withdrew the remaining allegations. Having considered the Petition and the plea of true to allegation one (1), the Court finds that Defendant did violate his conditions of supervised release by being arrested and charged with committing the offense of Forgery-Money/Securities/Postage or Revenue Stamps.

Defendant waived his right to allocate before the District Judge and his right to object to the report and recommendation of this Court.

RECOMMENDATION

Pursuant to the Sentencing Reform Act of 1984, the Court recommends that Defendant's supervised release be revoked and that he be committed to the custody of the Bureau of Prisons to be imprisoned for a term of twelve (12) months and one (1) day to run consecutive with Defendant's sentence received in *State of Texas v. Sanchez* Cause No. 219-82782-2014, in the 219th District Court of Collin County, with no term of supervised release to follow.

The Court also recommends that Defendant be housed in the Bureau of Prisons Ft. Worth facility, if appropriate.

SIGNED this 13th day of October, 2015.

A handwritten signature in black ink, appearing to read 'C. Nowak', is written over a horizontal line.

Christine A. Nowak
UNITED STATES MAGISTRATE JUDGE